

No. PD-1061-19

IN THE
COURT OF CRIMINAL APPEALS
STATE OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
1/7/2020
DEANA WILLIAMSON, CLERK

STATE OF TEXAS,
Petitioner,

v.

ORLANDO ORTIZ,
Respondent

RESPONDENT'S FIRST MOTION TO EXTEND BRIEFING DEADLINE

TO THE COURT OF CRIMINAL APPEALS:

NOW COMES RESPONDENT ORLANDO ORTIZ and, pursuant to Rule 10.5(b) of the Rules of Appellate Procedure, files this first motion to extend the deadline to file his brief **from January 2, 2020 to January 16, 2020 (14 days)**, and states the following in support thereof:

I.
FACTS SUPPORTING NEED FOR EXTENSION

1. Respondent's Brief is currently due on **January 2, 2020**.

2. This deadline was triggered by the State filing its brief on December 2, 2019, which consequently stretched Respondent's deadline over the Christmas and New Years holidays.

3. As such, Respondent's appointed counsel has not had a sufficient number of working days to complete Respondent's brief and needs additional time to do so. Respondent's appointed counsel has completed an initial draft of the brief, but the brief needs additional work and research in order to present a more extensive analysis of the important legal issues to be considered by this Court.

4. During the next two weeks, the undersigned appointed counsel is scheduled to appear in federal bankruptcy court for a contested hearing (January 9, 2020) and in state District Court for two hearings (January 7 and 15, 2020). Respondent's appointed counsel also has discovery response deadlines in state District Court cases on January 10 and 14, 2020, a half-day federal-court seminar to attend on January 10, 2020.

5. As such, Respondent's appointed counsel requests an additional 14 days to complete Respondent's brief, making the new deadline January 16, 2020.

II. ARGUMENT

6. Rule 10.5(b)(1) of the Rules of Appellate Procedure sets forth the technical requirements for all motions to extend time:

All motions to extend time, except a motion to extend time for filing a notice of appeal, must state:

- (A) the deadline for filing the item in question;
- (B) the length of the extension sought;
- (C) the facts relied on to reasonably explain the need for an extension;
- (D) the number of previous extensions granted regarding the item in question.

Tex. R. App. P. 10.5(b)(1).

7. The deadline to file Respondent's Brief is January 2, 2020.

8. Respondent seeks an extension of said briefing from **January 2, 2020 to January 26, 2020 (14 days)**.

9. Respondent has not previously sought or obtained an extension of his briefing deadline in this case.

10. The facts relied on to reasonably explain the need for an extension are set forth in **paragraphs 1 through 4** above.

III.
REQUEST FOR RELIEF

11. Wherefore, premises considered, RESPONDENT ORLANDO ORTIZ requests the Court extend the deadline to file his brief **January 2, 2020 to January 16, 2020**, and for all other relief to which Respondent may be justly entitled.

Respectfully submitted,

/s/ Nohl Bryant

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CERTIFICATE OF SERVICE

I certify that the foregoing instrument has been sent on **January 2, 2020**, to the persons named below, in the manner described adjacent to their respective names, all in accordance with Appellate Rule 9.5.

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VIA ELECTRONIC SERVICE

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